

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

HERIBERTO PEREZ-CALDERIN,

Civil 05-149 JRT/FLN

Petitioner,

v.

O R D E R

HOLINKA, ET AL.,

Respondents.

HERIBERTO PEREZ-CALDERIN, FCI-Waseca, P. O. Box 1731, Waseca, Minnesota 56093, *pro se* plaintiff.

MARY L. TRIPPLER, Assistant United States Attorney, 600 United States Courthouse, 300 South 4th Street, Minneapolis, Minnesota 55415, for respondents.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated August 11, 2005, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that Petitioner's petition for habeas corpus is dismissed as moot.

DATED: September 2, 2005.
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge